IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 671 of 2006 (M/B)

1. M/s Saachi Enterprises,
   Through its proprietor Sri Sandeep Agarwal,
   Cheema Chauraha, Ramnagar Road,
   Kashipur (Udham Singh Nagar).
2. Sandeep Agrawal S/o Sri Sudama Lal Agrawal,
   R/o Hans Bhawan, Ramnagar Road,
   Kashipur (Udham Singh Nagar). …… Petitioners

Versus

1. State of Uttar Pradesh,
   Through Secretary, Agriculture,
   Govt. of U.P. Lucknow.
2. Uttar Pradesh Beej Vikas Nigam
   Through its Managing Director,
   C-973/74 B, Faizabad Road, Mahanagar,
   Lucknow- 226006 (U.P).
3. Dy. Chief Marketing Officer,
   U.P. Seed Development Corporation,
   Head Office –C -973/74 B, Faizabad Road,
   Mahanagar,
   Lucknow-226006 (U.P.). …… Respondents

Mr. M.C. Bansal, Advocate for the petitioners.
Mr. S.P.S. Panwar, Addl. Chief Standing Counsel (U.P. Govt.) for respondent No. 1.
None for respondents Nos. 2 and 3.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. M.C. Bansal, Advocate for the petitioners.

Mr. S.P.S. Panwar, Addl. Chief Standing Counsel (U.P. Govt.) for respondent No. 1.

None for respondents Nos. 2 and 3.

They are heard on admission.

2. The petitioners have filed this writ petition for the following reliefs:

> "1. To issue a writ, order or direction in the nature of mandamus commanding the respondents to pay the amount of Rs. 16,68,289/- (i.e. Rs. 10,57,689/- of Urad Seed+Rs. 5,14,000/- SSG Seed + Rs, 96,600/- of security deposit) with interest which is due to be paid by the respondents to the petitioners.
>
> II. To issue any writ, order or direction or grant such other further relief in favour of the petitioner which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.
>
> III. Award the cost of the petition to the petitioner."

3. In substance, the petitioners are seeking recovery of the amount due under the contract including the price of the articles supplied by the petitioners to respondent No. 2.

4. In our opinion, the appropriate remedy for the petitioners is to file a civil suit before a competent Civil Court.

5. With the above observation, the writ petition is disposed of.

(Prafulla C. Pant, J.) **(Rajeev Gupta, C.J.)**
12.06.2006 **12.06.2006**

G